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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION (C) No.5732 OF 2006

PETITIONER	:	South Eastern Coalfields Ltd. through: CMD, SECL, Bilaspur (CG)
		Vs.
RESPONDENTS	1.	State of Chhattisgarh through Chief Secy, Mantralaya, D.K.S. Bhavan, Raipur (CG).
	2.	C.G. State Industrial Development Corporation Ltd. (CSIDC). (An under taking of State govt. incorporated as a Co. having its head office at) LIC Bhavan, Jivan Beema Marg, Pandri, Raipur (CG).
	3.	The General Manager, District Trade & Industry Centre, Korba (C.G.)
	4.	The Collector Korba (C.G.)
	5.	M/s Kartikay Coal Washery Pvt. Ltd. 18, Basant Enclave, Rao Tularam Marg, New Delhi – 110 057.

Present : Shri P.S. Koshy, learned counsel for the petitioner.
Shri Prashant Mishra, learned Addl. Adv. General with Shri Utkarsh Verma, learned counsel for the State of C.G. and its authorities.
Shri Ayaz Naved, learned counsel for respondent No.2.
Shri P. Diwakar, learned Sr. Advocate with Shri P.K. Bhaduri, learned counsel for respondent No.5.

ORAL ORDER

(Passed on 12th December, 2006)

The Collector of Korba District vide order No. 15817/Bhumi Bantan/2006/Korba dated 29.05.2006 has allotted 13 acres of land comprised in Khasra No.850/23 Rabka (hereinafter referred to as 'the petition schedule property') to the General Manager, District Industry and Trade Centre, Korba. It appears that the fifth respondent herein has sought lease of that land for industrial purpose from the Collector, Korba. When the matter stood thus, the petitioner S.E.C.L. contending that the

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petition schedule land is owned by it and therefore, the State of Chhattisgarh has no power to alienate the said land either in favour of the second respondent or in favour of the fifth respondent, has preferred this writ petition under Article 226 of the Constitution of India praying for the following relief:

> "**RELIEF SOUGHT:**
>
> This Hon'ble Court be pleased to issue appropriate writ or direction/orders as deemed fit and proper in the facts and circumstances of the case and cancel the order dtd. 29/05/2006 Annexure P/1 and be further pleased to prohibit/prevent the State Govt. and all authorities under the State Govt. from interfering with the land 1701.363 hectare acquired under the provisions of CBA Act within the boundary demarked at line A-B-C-D-E-F-G-H-I-J-K-L-M-N-A in any away, and give any other relief deemed fit and proper in the facts and circumstances of the case."

(2) The facts stated *supra* would reveal that there is a serious title dispute over the petition schedule property. In order to grant the relief to the petitioner, it is trite, it becomes imperative for the Court to decide the title question. The resolution of title dispute cannot be undertaken in a summary proceeding under Article 226 of the Constitution of India on the basis of affidavits and counter-affidavits, and it is for the jurisdictional civil Court to decide such dispute. On that short ground, I am not inclined to entertain this writ petition and it is accordingly dismissed. No costs.

Sd/-
Chief Justice